

IN THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

ERICA NATASHA MOORE,

Plaintiff,

v.

SEARS, ROEBUCK AND CO., and
CLEANING SERVICES GROUP, (CSG),

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION
FILE NO.:

COMPLAINT

COMES NOW, Plaintiff, by and through her attorney-at-law, and files this, her
Complaint, and shows this Honorable Court as follows:

1.

This is a re-filed lawsuit pursuant to O.C.G.A. § 9-2-61. This lawsuit was originally
filed in in the Superior Court of Lowndes County, Georgia, under Civil Action #2012CV2322
and was filed on August 10, 2012. The date of the injury was on or about December 19, 2010.
This lawsuit was originally filed within the Statute of Limitations. A Dismissal Without
Prejudice was filed on September 12, 2018 in the Superior Court of Lowndes County, Georgia,
under Civil Action #2012CV2322. It is being re-filed on December ___, 2018. This lawsuit is
based upon substantially the same cause of action as the prior lawsuit involving *Erica Natasha
Moore v. Sears, Roebuck and Co. and Cleaning Services Group, (CSG)*. The prior lawsuit in this
case was dismissed on September 12, 2018. It was not dismissed on the merits. This lawsuit is
being re-filed within six (6) months of the Dismissal Without Prejudice which was filed on
September 12, 2018.

2.

Sears, Roebuck and Co., hereinafter referred to as "Defendant Sears" is a foreign-for-profit corporation, which is authorized to and does transact business within the State of Georgia.

3.

Defendant Sears owned and operated a store located at 1709 Baytree Road, Valdosta, Georgia, on or about December 19, 2010 and is subject to the jurisdiction of this Honorable Court.

4.

Defendant Cleaning Services Group, (CSG), hereinafter referred to as "Defendant Cleaning Services Group, (CSG)," is a foreign-for-profit corporation, which is authorized to and does transact business within the State of Georgia.

5.

Defendant Cleaning Services Group, (CSG), had a contract for cleaning services with Defendant Sears for Defendant Sears' store located at 1709 Baytree Road, Valdosta, Georgia, on or about December 19, 2010 and is subject to the jurisdiction of this Honorable Court.

6.

Jurisdiction and venue are proper in this Court.

7.

Service of process may be perfected upon Defendant Sears by serving its registered agent, C T Corporation System, 289 S Culver St, Lawrenceville, Gwinnett County, Georgia, 30046.

8.

Service of process may be perfected upon Defendant Cleaning Services Group, (CSG), by serving its registered agent, Rochelle O'Brien, 230 North Street, Danvers, Massachusetts 01923.

9.

On or about December 19, 2010, Plaintiff went to Defendant Sears establishment located at 1709 Baytree Road, Valdosta, Georgia, as a customer/business invitee.

10.

Plaintiff was walking in the store and a slippery-wet substance on the floor caused her to slip and fall. Plaintiff suffered injuries to her back and leg from hitting the hard surface of the floor. The dangerous condition (i.e. slippery-wet substance on the floor) was not readily apparent to the average customer/business invitee.

COUNT I: DEFENDANT SEARS

11.

Plaintiff incorporates paragraphs 1 through 10 into Count I of her Complaint.

12.

Defendant Sears knew or should have known of the dangerous condition before Plaintiff slipped and fell.

13.

Defendant Sears had notice of the dangerous condition.

14.

Defendant Sears' employees and agents knew of such dangerous condition on December 19, 2010, and notwithstanding their knowledge of such dangerous condition, maintained such dangerous condition on December 19, 2010.

15.

This dangerous condition, which was known to the agents and employees of Defendant Sears, was unknown to Plaintiff.

COUNT II: DEFENDANT CLEANING SERVICES GROUP, (CSG)

16.

Plaintiff incorporates paragraphs 1 through 15 into Count II of her Complaint.

17.

Defendant Cleaning Services Group, (CSG), knew or should have known of the dangerous condition before Plaintiff slipped and fell.

18.

Defendant Cleaning Services Group, (CSG), had notice of the dangerous condition.

19.

Defendant Cleaning Services Group, (CSG), employees and agents knew of such dangerous condition on December 19, 2010, and notwithstanding their knowledge of such dangerous condition, maintained such dangerous condition on December 19, 2010.

20.

Defendant Cleaning Services Group, (CSG), may have spilled the liquid on the floor that caused Plaintiff to fall.

21.

This dangerous condition, which was known to the agents and employees of Defendant Cleaning Services Group, (CSG), was unknown to Plaintiff.

COUNT III: DAMAGES

22.

Plaintiff incorporates paragraphs 1 through 21 into Count III of her Complaint.

23.

As a result of the slip and fall by Plaintiff, she has suffered serious bodily injury.

24.

As a result of the injuries and negligence of Defendants, Plaintiff has suffered past, present and will in the future suffer pain therefrom.

25.

Plaintiff has incurred medical expenses for the treatment of her injuries and suffered a physical handicap.

26.

Plaintiff's injuries are permanent and continuing in nature and Plaintiff will suffer losses and impairment in the future.

27.

Plaintiff has suffered a loss of earnings as a result of the injuries during this incident.

28.

All damages suffered by Plaintiff are the direct and proximate result of Defendants negligent acts.

WHEREFORE, Plaintiff prays as follows:

- a. That service of process issue in accordance with the law;
- b. That Plaintiff have a jury trial on all issues set forth herein;
- c. That Plaintiff recover a judgment against the Defendant for medical bills, loss of earnings, and pain and suffering;
- d. That Plaintiff be entitled to reasonable attorney's fees and all costs of this action;
- e. That Plaintiff have such other and further relief as this Honorable Court deems just and proper.

This the _____ day of December 2018.

JODY D. PETERMAN, LLC

Jody D. Peterman
Attorney for Plaintiff
Georgia Bar #573552

P.O. Box 6010
Valdosta, GA 31603-6010
Phone (229) 247-0386
Fax (229) 469-6735
Email: petermanlawoffice@yahoo.com